

much fairer to low-income workers, women who don't work outside the home, children and the elderly, who may not have a great deal of economic damages. I have no objection to making punitive damages proportionate to the harm caused by the product, the goal that the punitive damage limitation is intended to accomplish. That harm should not, however, be limited to out of pocket costs or lost wages. Non-economic damages can often be difficult to calculate, but that does not make them any less real.

Indeed, these compensate individuals for the things that they value most—the ability to have children, the ability to have your spouse or child alive to share in your life, the ability to look in the mirror without seeing a permanently disfigured face. As a notion of fundamental fairness, any congressional attempts to create a punitive damage standard should include both economic and noneconomic damages in its formula, as the Rockefeller-Gorton substitute now does.

In addition, the amended bill contains a provision that will allow a judge to increase the amount of a punitive damage award, if an increased award is necessary to either adequately punish a defendant for its past conduct, or to adequately deter a defendant from engaging in such conduct in the future. I know there have been concerns raised during the course of this debate that, in some cases, punitive damages awarded pursuant to the formula will not be sufficient to either punish or deter. I believe this judge additur provision addresses these concerns, and I want to thank Senators ROCKEFELLER and GORTON for their willingness to add this provision to their legislation. In my opinion, it makes a good bill even better, and it demonstrates their willingness to respond to the concerns of those of us “in the middle.”

Madam President, last year I stood on the Senate floor, after the Senate failed to invoke cloture on the Product Liability Fairness Act, and stated my desire not to filibuster this bill again. What I wanted to do was debate what alterations the Federal Government should make in the area of product liability law, and to act on a narrow, moderate product liability bill. I am pleased to have a chance to act on such a bill today.

But reporting a bill out of the Senate is only half of the battle; I also want to see this legislation enacted in to law. I believe that can happen, as long as a House-Senate conference committee keeps the bill limited to the subject of product liability, and rejects the draconian, anti-consumer provisions included in legislation which passed the House of Representatives. The votes in the Senate during the past 2 weeks should send a strong signal to the House that the U.S. Senate does not intend to restrict the ability of ordinary citizens to access the courts, under the guise of civil justice reform.

If our colleagues in the House of Representatives truly want a product liability reform bill, I have no doubt that we can obtain one. Our votes in the Senate spell out very clearly what will and will not be acceptable to this body, and I urge my House colleagues to consider those votes very carefully. For despite my desire to enact a product liability reform bill, nothing has changed about my underlying commitment to equal justice under law. I remain just as opposed to loser-pays provisions, caps on noneconomic damages, or changes that would restrict the right of individuals to bring suit for civil rights violations, employment discrimination, and sexual harassment, among other issues, as I have been in the past, and I will be compelled to oppose any legislation that returns from a conference including these provisions.

Madam President, in closing, I would like to commend Senators ROCKEFELLER and GORTON for all of their hard work to enact a product liability reform bill, not only this year, but in past Congresses as well. They are to be commended for championing an issue that needs to be addressed, and for doing so in a way that is balanced and fair. During the past 3 weeks, they have demonstrated a willingness to listen and resolve the concerns raised by myself and other Senators, and have taken steps to improve this legislation. I commend them for their leadership, and I am pleased to vote with them today.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the pending substitute amendment to H.R. 956, the Product Liability bill.

Slade Gorton, Dan Coats, Richard G. Lugar, John Ashcroft, Rod Grams, Kay Bailey Hutchison, Judd Gregg, Strom Thurmond, Trent Lott, Rick Santorum, Larry E. Craig, Bob Smith, Don Nickles, R.F. Bennett, John McCain, Connie Mack.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Coverdell-Dole amendment, No. 690, to H.R. 956, the product liability bill, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—60

Abraham	Frist	Mack
Ashcroft	Gorton	McCain
Bennett	Gramm	McConnell
Bond	Grams	Mikulski
Brown	Grassley	Moseley-Braun
Burns	Gregg	Murkowski
Campbell	Hatch	Nickles
Chafee	Hatfield	Nunn
Coats	Helms	Pell
Cochran	Hutchison	Pressler
Coverdell	Inhofe	Pryor
Craig	Jeffords	Robb
DeWine	Johnston	Rockefeller
Dodd	Kassebaum	Santorum
Dole	Kempthorne	Smith
Domenici	Kohl	Snowe
Dorgan	Kyl	Stevens
Exon	Lieberman	Thomas
Faircloth	Lott	Thompson
Feinstein	Lugar	Thurmond

NAYS—38

Akaka	Daschle	Leahy
Baucus	Feingold	Levin
Biden	Ford	Murray
Bingaman	Glenn	Packwood
Boxer	Graham	Reid
Bradley	Harkin	Roth
Breaux	Hefflin	Sarbanes
Bryan	Hollings	Shelby
Bumpers	Inouye	Simon
Byrd	Kennedy	Simpson
Cohen	Kerrey	Specter
Conrad	Kerry	Wellstone
D'Amato	Lautenberg	

NOT VOTING—2

Warner Moynihan

The PRESIDING OFFICER (Mr. INHOFE). Are there any Senators who wish to change their vote? If there are no other Senators desiring to vote, on this vote, the yeas are 60, the nays are 38. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

REGARDING THE VISIT BY PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA ON TAIWAN TO THE UNITED STATES

Mr. MURKOWSKI. I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 103, House Concurrent Resolution 53, relative to the visit by the President of China on Taiwan, and that no amendments be in order to the resolution or the preamble.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 53) expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

The Senate proceeded to consider the resolution.

Mr. MURKOWSKI. I thank the Chair.